

I oppose the proposed merger of XM and Sirius.

I have had a subscription with XM since August 2005. It is a good service, and when the request for a merger first came up, I took their arguments seriously.

It has been XM's responses and actions since the announcement of the proposed merger that first convinced me that the new monopoly would result in a degradation of service.

Reason 1. The arrogance of monopolies

I made repeated requests to XM to for details of how their music service would change. They refused to provide any information that would allow me to make a reasoned judgment as to whether or not my service would improve. Their claim was that they did not have such information yet.

I find that impossible to believe. They could not have analyzed the possible cost-savings without having developed a plan of how to merge (that is, eliminate) some of the choices.

So I ask myself, if they are willing to stonewall me now, what will a true monopoly feel free to do? The answer is obvious; the new monopoly will feel freer to deceive when it is profitable to do so.

Reason 2: XM assumes that most of its listeners oppose the merger.

How do I know? That's simple. XM has a web site where listeners go for streamed content. Nowhere on that front page is there an invitation for listeners to comment to the FCC. If they thought a majority would support them, an invitation to comment would be there.

Reason 3: The lack of non-satellite competition

The most compelling argument that XM and Sirius have made has been that competition has changed. That new music sources are direct competition.

On closer examination, however, that argument dissolves. What they label competitors are, in fact, entirely different services with different core audiences.

Unlike downloads and CD's, radio's primary distinction is its capacity to bring something new and unexpected to the listener. Satellite radio first subscribers fled an AM and FM market in which monopolies had choked that capacity in the pursuit of safe profits. If the XM Sirius argument had validity, if all music markets were truly united, then the loss of these listeners should have led to a shift in programming in the AM/FM world, but it hasn't. AM and FM are separate markets from XM and Sirius.

Likewise, downloads are a separate market. Most cars do not have inputs for downloaded files. Even if they did, the result is little different than a CD player with a large capacity. Listeners in their cars and homes choose CDs and downloads when they know precisely what they want to listen to. Listeners to satellite radio want, within the broad limits of a genre, something new.

That is why the Sirius XM competition argument is false

Reason 4. The True Purpose of the Merger.

In their pursuit of market share, XM and Sirius overextended their investments into non-musical formats. Rather than look for new and more creative ways to compete, they want to eliminate the competition. That's it.

Please bar this merger.